

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

ALFA CORPORATION,
an Alabama corporation,

*

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*

*

Plaintiff,

*

*

v.

* **Case No. 2:06-cv-962-WKW-WC**

*

**ALFA MORTGAGE
INCORPORATED,** an Indiana
Corporation,

*

*

*

*

Defendant.

*

**SUBMISSION OF PLAINTIFF IN
OPPOSITION TO DEFENDANT'S MOTION TO DISMISS**

COMES NOW the Plaintiff, Alfa Corporation, and submits the Declaration of
Juan C. Basombrio in Opposition to Defendant's Motion to Dismiss.

s/Robert A. Huffaker

Rushton, Stakely, Johnston & Garrett, P.A.

Post Office Box 270

Montgomery, Alabama 36101-0270

Tel: (334) 206-3215

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Bar Number: ASB-7668-U79R

Juan C. Basombrio
Dorsey & Whitney LLP
38 Technology Drive
Irvine, California 92618
Telephone: (949) 932-3600
Facsimile: (949) 932-3601
E-Mail: Basombrio.Juan@dorsey.com
Bar Number: California State Bar No.150703

Attorneys for Plaintiff
ALFA CORPORATION

CERTIFICATE OF SERVICE

I hereby certify that on January 3, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification to the following:

Brannon J. Buck
Bryan A. Coleman
Maynard, Cooper & Gale, P.C.
Suite 2400 AmSouth/Harbert Plaza
1901 Sixth Avenue North
Birmingham, Alabama 35203

s/Robert A. Huffaker
Of Counsel

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
MIDDLE DIVISION

ALFA CORPORATION,
an Alabama corporation,

Plaintiff,

vs.

ALFA MORTGAGE CORPORATION,
an Indiana company,

Defendant.

CIVIL ACTION NO.
2:06-CV-962-WKW-WC

DECLARATION OF JUAN C. BASOMBRI

1. I am a partner with the law firm of Dorsey & Whitney LLP, attorneys for plaintiff Alfa Corporation (“Alfa”), and admitted pro hac vice to practice before this Court in this action. I have personal knowledge of the facts stated herein and, therefore, submit this declaration in support of Alfa’s opposition to defendant Alfa Mortgage Corporation’s (“Alfa Mortgage”) motion to dismiss.

2. Attached hereto as Exhibit 1 is a true and correct copy of excerpts of the following website: www.alfamtg.com.

3. Attached hereto as Exhibit 2 is a true and correct copy of excerpts of the transcript of deposition of Corina Shelton, President of Alfa Mortgage, taken on July 31, 2006 in the case of Alfa Corporation v. OAO Alfa Bank, et al. That case is pending in the United States District Court for the Southern District of New York. After that deposition, I indicated to Ms. Shelton that my client, Alfa Corporation, was a corporation in Alabama, was the owner of various federally registered trademarks under the name ALFA, and objected to the use by Alfa Mortgage

of the name ALFA. I further noted to Ms. Shelton that I would be contacting her about the foregoing. Attached hereto as Exhibit 3 (and to the Complaint herein as Exhibit 1) is a true and correct copy of a letter that I then sent, on August 22, 2006 and on behalf of Alfa, to Alfa Mortgage to the attention of Ms. Shelton. My letter advised Alfa Mortgage of Alfa's objection to the use of the ALFA name by Alfa Mortgage, demanded that Alfa Mortgage cease and desist from such use, and noted that Alfa would be willing to provide Alfa Mortgage with a reasonable time to cease such use. Neither I nor anyone at Alfa received a response to my letter or my conversation with Alfa Mortgage's President prior to the Complaint being filed in this action on October 26, 2006.

4. Notwithstanding my comments and letter to Alfa Mortgage, a properly conducted trademark search of federally registered trademarks would have disclosed the existence of Alfa and its federally registered trademarks. Even a basic search of the United States Patent & Trademark Office ("USPTO") website would have disclosed such information. Attached hereto as Exhibit 4 are true and correct copies of excerpts of such a search on the USPTO website. Even a basic Internet search would have identified Alfa and its website, www.alfains.com, which provides sufficient information about Alfa's lines of business and notes that its trademark is registered. Attached hereto as Exhibit 5 are true and correct copies of excerpts of such an Internet search.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on January 2, 2007 in Irvine, California.



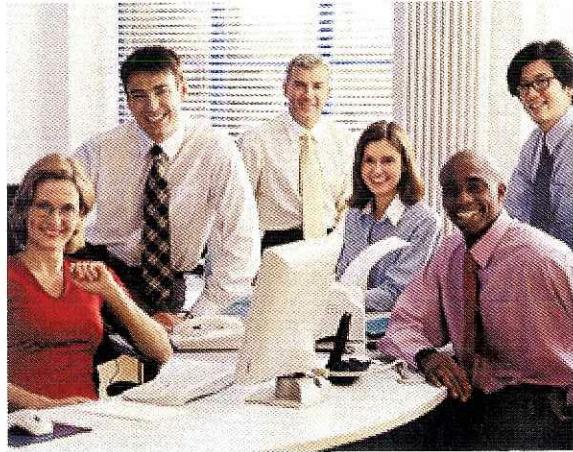
JUAN C. BASOMBRI

EXHIBIT 1



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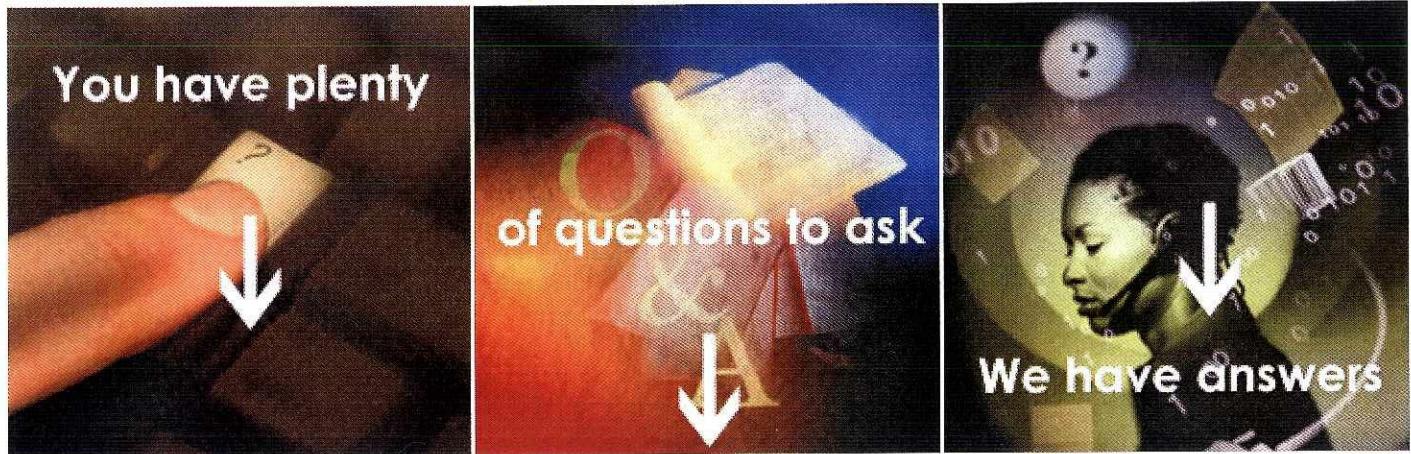
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Our mission at Alfa Mortgage, Inc. is to make home financing understandable, easy and convenient. We offer a wide range of financing options, interest rates and terms, giving you the opportunity to find the best loans for your needs. Our office of mortgage professionals will work with you from start to finish, showing you how easy it is to buy or refinance your home.

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Q: How do I know how much house I can afford?

A: Generally speaking, you can purchase a home with a value of two or three times your annual household income. However, the amount that you can borrow will also depend upon your employment history, credit history, current savings and debts, and the amount of down payment you are willing to make. You may also be able to take advantage of special loan programs for first time buyers to purchase a home with a higher value. Give us a call, and we can help you determine exactly how much you can afford.

Q: What is the difference between a fixed-rate loan and an adjustable-rate loan?

A: With a fixed-rate mortgage, the interest rate stays the same during the life of the loan. With an adjustable-rate mortgage (ARM), the interest changes periodically, typically in relation to an index. While the monthly payments that you make with a fixed-rate mortgage are relatively stable, payments on an ARM loan will likely change. There are advantages and disadvantages to each type of mortgage, and the best way to select a loan product is by talking to your broker.

Q: How is an index and margin used in an ARM?

A: An index is an economic indicator that lenders use to set the interest rate for an ARM. Generally the interest rate that you pay is a combination of the index rate and a pre-specified margin. Three commonly used indices are the One-Year Treasury Bill, the Cost of Funds of the 11th District Federal Home Loan Bank (COFI), and the London InterBank Offering Rate (LIBOR).

Q: How do I know which type of mortgage is best for me?

A: There is no simple formula to determine the type of mortgage that is best for you. This choice depends on a number of factors, including your current financial picture and how long you intend to keep your house. Alfa Mortgage Inc. can help you evaluate your choices and help you make the most appropriate decision.

Q: What does my mortgage payment include?

A: For most homeowners, the monthly mortgage payments include three separate parts:

Principal: Repayment on the amount borrowed

Interest: Payment to the lender for the amount borrowed

Taxes & Insurance: Monthly payments are normally made into a special escrow account for items like hazard insurance and property taxes. This feature is sometimes optional, in which case the fees will be paid by you directly to the County Tax Assessor and property insurance company.

Q: How much cash will I need to purchase a home?

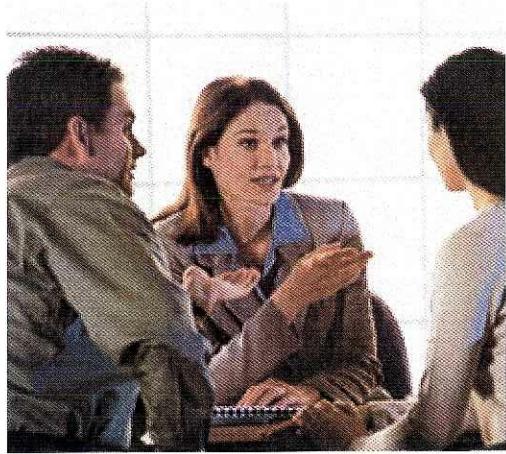
A: The amount of cash that is necessary depends on a number of items. Generally speaking, though, you will need to supply:

Earnest Money: The deposit that is supplied when you make an offer on the house

Down Payment: A percentage of the cost of the home that is due at settlement

Closing Costs: Costs associated with processing paperwork to purchase or refinance a house

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Because of our experience in debt consolidation, each consumer is provided with premium advantages. Alfa Mortgage, Inc. provides consumers with the best programs that will save them the most amount of money possible. Alfa will also provide helpful and amiable service to each customer.

Rates Low As:
30 Year Fixed 5.75%
15 Year Fixed 5.0%
3/1 ARM 3.875%
5/1 ARM 4.375%

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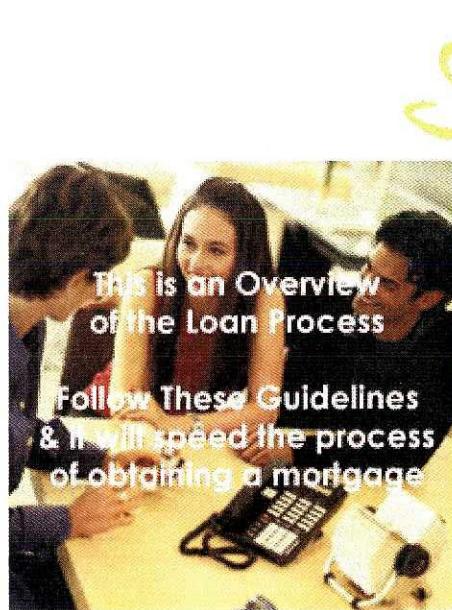
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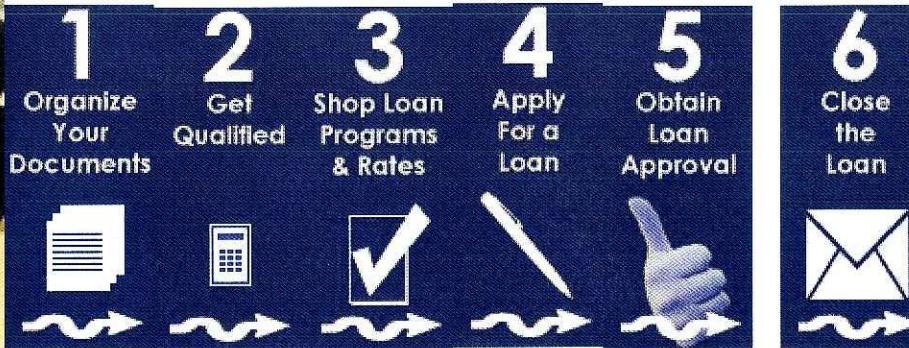
REFINANCING LOAN	COMMERCIAL LOANS
PAYOUT LAND CONTRACTS	REVERSE MORTGAGE
VA MORTGAGE	INVESTOR LOANS
FHA MORTGAGE	125% 2nd MORTGAGE
PURCHASES	CONSTRUCTION LOANS
SELF EMPLOYED BORROWERS	2nd MORTGAGE LOANS
BANKRUPTCY/FORECLOSURE	NO DOC/STATED INCOME

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Apply For a Loan

Applying for a loan made easy...

The Loan Application

Getting started is easy and you don't have to do it all at once.

Our online application process is conveniently designed to allow you to stop any time and pick up where you left off. You can quit any time since your information data is saved. When you come back, the Review and Update screen will show you what's left to do.

Must be legal age to apply.

**If this is your first application log in,
Click Here**

New User Sign Up

Registered Users, please enter your User ID and Password.

User ID:

Password:

Login



Trouble Signing In?



Change Password



Account Info

Please send mail to corina@alfamtg.com with questions
or comments about this web site. [Security Statement](#)

User Login

New User Sign Up

When you establish an account with us, we'll save the data you entered and retrieve your information when you revisit. This saves you from entering repetitive data.

Please complete the following information and write down your user ID and password. **This will be your permanent ID and password for future visits to the site.** (Your information is confidential. No one can access your account without a valid user ID and correct password.)

Fields marked with an asterisk(*) are required. Others are optional

First Name:*	<input type="text"/>	Last Name:*	<input type="text"/>
Address:			
Street:	<input type="text"/>		
City:	<input type="text"/>		
State:	IN <input type="button" value="▼"/>	Zip Code:*	<input type="text"/>
Phone(day):	<input type="text"/>	<input type="text"/>	ext <input type="text"/>
Phone(eve.):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Email: *	<input type="text"/>		

If no e-mail address, please call 317-581-8556 to enroll by phone.

Now choose a user ID (usually your name) and your confidential password.

User ID:*	<input type="text"/>	Password:*	<input type="text"/>
Confirm Password:*			

Please send mail to corina@alfamtg.com with questions
or comments about this web site. [Security Statement](#)

User Login

New User Sign Up

When you establish an account with us, we'll save the data you entered and retrieve your information when you revisit. This saves you from entering repetitive data.

Please complete the following information and write down your user ID and password. **This will be your permanent ID and password for future visits to the site.** (Your information is confidential. No one can access your account without a valid user ID and correct password.)

Fields marked with an asterisk(*) are required. Others are optional

First Name:*	John	Last Name:*	Doe
Address:	<input type="text"/> Street: <input type="text"/> City: Montgomery State: AL Zip Code:*		
Phone(day):	<input type="text"/>	<input type="text"/>	ext <input type="text"/>
Phone(eve.):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Email: *	<input type="text"/>		

If no e-mail address, please call 317-581-8556 to enroll by phone.

Now choose a user ID (usually your name) and your confidential password.

User ID:*	<input type="text"/>	Password:*	<input type="text"/>
Confirm Password:*	<input type="text"/>		

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Uniform Residential Loan Application
Good Faith Estimate
Truth in Lending Disclosure Statement (RegZ)
Credit Report Authorization and Release
Deed of Trust
Itemization of Amount Financed
Mortgage Loan Disclosure/Good Faith Estimate
Loan Submission Sheet
Tax Information Authorization (8821)

Self Employed Income Analysis
Borrower Certification and Authorization
Disclosure Notices
Equal Credit Opportunity Act
Fair Lending Notice
Notice of Right to Cancel
Notice of Special Flood Hazard
Owner Occupancy
Appraisal Disclosure
Mortgage Document

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Mortgage Calculators

Payment/Amortization

This calculator allows you to figure out your monthly payment for fixed-rate or adjustable-rate loans. It also allows you to calculate the breakdown between principal and interest in payments over the loan term.

Rent vs. Own

This calculator allows you to calculate the difference between renting a property and buying a home.

Calculate Annual Percentage Rate (A.P.R.)

This calculator allows you to calculate A.P.R. for fixed-rate or adjustable-rate loans, as defined by the Federal Truth In Lending Act.

Debt Consolidation

This calculator helps you to figure out if you can consolidate your debt by lowering the monthly payment, or pay off debts sooner.

Prepayment Savings

This calculator helps you to determine how soon you can pay off your mortgage by making a prepayment, or how much prepayment you should make by shortening the time to pay off your mortgage.

Early Payoff Calculator

This calculator will assist you in determining the amount of additional principal payments needed per month to payoff the loan in a shorter period of time.

Refinance Break-Even Point

This calculator will help you determine the length of time until "breakeven" on a refinance loan, factoring in the new interest rate and closing costs.

Tax Savings

Based on the loan amount, interest rate, federal tax rate, and other entries, this calculator will determine the estimated tax savings of a period of years if the transaction is completed.

Please send mail to corina@alfamtg.com with questions or comments about this web site. [Security Statement](#)



Corporate Office
8888 Keystone Crossing
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Indianapolis, IN 46240
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EXHIBIT 2

CORINA SHELTON

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

--000--

ALFA CORPORATION,)

)

Plaintiff,)

)

vs.) Case No.

) 04 Civ. 08968 (KMW)

)

OAO ALFA BANK and)

ALFA-CAPITAL MARKETS (USA),)

INC.,)

)

Defendants.)

)

COPY

VIDEOTAPED DEPOSITION OF

CORINA SHELTON

Monday, July 31, 2006

Volume I

(Pages 1 - 51)

REPORTED BY: CYNTHIA A. PACINI, CSR #6117, RMR, CRR
(03-384235)

EXHIBIT 2



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CORINA SHELTON

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--ooO--

BE IT REMEMBERED that pursuant to Subpoena
and on Monday, July 31, 2006, commencing at 10:19
a.m. thereof, at the Law Offices of Jones Day, 555
California Street, 26th Floor, San Francisco,
California, before me, Cynthia A. Pacini, a
Certified Shorthand Reporter, Registered Merit
Reporter and Certified Realtime Reporter, personally
appeared

21 CORINA SHELTON

23 called as a witness by the Defendants, who, having
24 been first duly sworn, was examined and testified as
25 follows:

CORINA SHELTON

Page 4

1 | - - 0 0 - -

2 DORSEY & WHITNEY, LLP, 38 Technology
3 Drive, Irvine, California 92618-5310, represented by
4 JUAN C. BASOMBRIJO, Attorney at Law, appeared as
5 counsel on behalf of the Plaintiff.

6 JONES DAY, 222 East 41st Street, New York,
7 New York 10017-6702, represented by CLARK CRADDOCK,
8 Attorney at Law, appeared as counsel on behalf of
9 the Defendants.

10 Also Present: GRETCHEN VOGEL-Videographer

PROCEEDINGS

12 THE VIDEO OPERATOR: Good morning. This
13 is Gretchen Vogel of LegaLink Action Video, 420
14 Lexington Avenue, New York, New York. Today's date
15 is July 31st, 2006. The time on the video monitor
16 is 10:19 a.m. The offices we are at are Jones Day
17 at 555 California Street, San Francisco, California.
18 Case, Alfa Corporation versus OAO, case number
19 04-CIV 8968 (KMW) to take the video deposition of
20 Corina Shelton, District Court for the Southern
21 District of New York. The court reporter today is
22 Cindy Pacini of LegaLink, San Francisco.

25 MS. CRADDOCK: I'm Clark Craddock from

CORINA SHELTON

Page 5

1 Jones Day New York, and I represent the defendants
2 OAO Alfa Bank and Alfa Capital Markets, Inc.

3 MR. BASOMBRIOS: I'm Juan Basombrio, Dorsey
4 & Whitney, for plaintiff Alfa Corporation.

5 THE WITNESS: Corina Shelton, president of
6 Alfa Mortgage, Incorporated.

7 THE VIDEO OPERATOR: Thanks. Would the
8 court reporter please swear in the witness.

9 (Whereupon, the witness was sworn.)

10 THE WITNESS: I do.

11 EXAMINATION BY MS. CRADDOCK

12 MS. CRADDOCK: Q. Thank you for coming.
13 Could you just please state your name and address
14 for the record, please?

15 A. Yes. My name is Corina Shelton. My
16 address is 4272 Terrabella Way, Oakland, California
17 94619.

18 Q. And also for the record, I want to make
19 sure that you understand you had the right to have
20 your attorney present at this deposition.

21 A. Yes.

22 Q. Okay. Thank you. Have you ever been
23 deposed before?

24 A. No.

25 Q. All right. I'm going to just sort of step

CORINA SHELTON

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1 documents that you produced to us this morning; is
2 that correct?

3 A. Yes.

4 Q. Could you please go through each page and
5 explain what each one of these documents is?

6 A. The first page of this is a certificate of
7 incorporation showing when the company was
8 incorporated, March 20th of 2001.

9 Q. Okay.

10 A. And the second page would be the articles
11 of incorporation again stating -- showing when the
12 company, Alfa Mortgage, Incorporated, was
13 incorporated on the 20th of March, 2001. And the
14 third item then will show also the licensing, when
15 we licensed as a mortgage broker for Alfa Mortgage.

16 Q. Is there a date on this document?

17 A. I don't know if there is. It's dated, but
18 I can't really see it because it's -- it looks to me
19 like it may have been dated the 25th.

20 Q. The 25th of?

21 A. Of March. And it would have been 2001.
22 And then the next items basically show the board of
23 directors, that I am president, secretary,
24 treasurer. I'm the sole shareholder of Alfa
25 Mortgage, Incorporated, and that's basically all the

CORINA SHELTON

Page 14

1 A. Yes.

2 Q. When you started Alfa in March of 2001,
3 what products did you offer or services?

4 A. It was mortgage loans, so home loans for
5 purchase or refinance.

6 Q. Any other products or services at that
7 time?

8 A. No.

9 Q. Okay. When did you begin offering
10 mortgages?

11 A. At -- in 2001 when the company started.

12 Q. In March of 2001?

13 A. Um-hum.

14 Q. Did you have an office at that time?

15 A. I was working out of my home.

16 Q. And where was that?

17 A. At -- I think it's 10456 Power Drive in
18 Carmel.

19 Q. Carmel?

20 A. Indiana, 46033.

21 Q. How many employees did you have there?

22 A. It was just myself and then I hired a
23 processor shortly after. So there was two.

24 Q. What was the processor's duties?

25 A. All she was doing was inputting files and

CORINA SHELTON

Page 19

1 Q. Are there any other places that you've
2 been licensed in?

3 A. No. I mean the only places I've ever been
4 bonded -- licensed and bonded in was Indiana,
5 Minnesota, Oregon, California and Illinois.

6 Q. Are you still currently licensed in
7 Indiana?

8 A. In Indiana, I am.

9 Q. When did you become licensed in Portland?

10 A. Oh, maybe 2002.

11 Q. Are you still currently licensed in
12 Portland?

13 A. I'm still currently bonded, and I am in
14 the process of renewing my licensing there.

15 Q. Okay. Just to clarify: You're currently
16 in the process of becoming licensed in California?

17 A. Well, I started the whole licensing here
18 as far as, you know, getting the name registered and
19 that's as far as I got.

20 Q. Okay. In Minnesota, you're -- when did
21 you become registered?

22 A. I believe in 2003.

23 Q. And are you currently registered?

24 A. We are registered. I don't believe we're
25 bonded there anymore.

CORINA SHELTON

Page 20

1 Q. When were you registered in Illinois?

2 A. Around the same -- 2003.

3 Q. And you're not currently registered in
4 Illinois; is that correct?

5 A. No.

6 Q. For these other states, did you also do
7 promotional activities in those states?

8 A. No.

9 Q. No. What products and services do you
10 currently offer?

11 A. Any -- a wide range of home loans, so from
12 first mortgages, second mortgages, home equities,
13 lines of credits, purchases, refinances.

14 Q. Anything else?

15 A. Well, anything that has to do with a home
16 mortgage.

17 MS. CRADDOCK: Could you mark this Exhibit
18 Shelton 3, please.

19 (Whereupon, Shelton Exhibit 3 was marked
20 for identification.)

21 MS. CRADDOCK: Q. Do you recognize this
22 document?

23 A. Yes, I do. It's off of our website.

24 Q. Okay. And could you tell me what this
25 particular page of your website is intended to do?

CORINA SHELTON

Page 25

1 online, they go in and put an application.

2 Q. Have you had borrowers apply online?

3 A. Yes, we have.

4 Q. Approximately how many?

5 A. Oh, actually quite a few. I don't have a
6 number.

7 Q. More than ten?

8 A. Oh, more than ten, definitely.

9 Q. More than 20?

10 A. More than 50.

11 Q. More than 50. Could you explain to me how
12 this process would work for applying for a loan on
13 line?

14 A. Yes. You would go in and you would
15 register and apply online and then once the
16 application is submitted, we are notified via e-mail
17 that an application has come into our website, and
18 we download the application into our database and
19 then basically we contact the borrowers that we
20 received their application.

21 Q. And then what happens next?

22 A. Then we start the loan process if we agree
23 on terms.

24 MS. CRADDOCK: Would you mark this Shelton
25 Exhibit 5?

CORINA SHELTON

Page 29

1 Q. How many referrals do you get
2 approximately a month from --

3 A. Oh, probably two, three.

4 Q. Okay.

5 A. I mean, it could be more. Depends on --

6 Q. Could you explain a little bit about once
7 someone applies for a loan with you, what the next
8 steps are in finding a mortgage for them?

9 A. Well, once somebody applies for a loan, we
10 have to establish their credit strength. So, you
11 know, we look at their credit history. We need to
12 find out what kind of loan they're looking for. Are
13 they buying something? Are they -- and, you know,
14 from that point forward, we collect their income
15 documentation, send what we need to preapprove them,
16 and go from there. So --

17 Q. And then what happens next though?

18 A. Then we submit their files, once we agree,
19 okay, this is what they want. We submit the files
20 to a lender, an investor of ours, for approval.

21 Q. Do you use more than one lender?

22 A. Yes, we do.

23 Q. How many lenders do you use?

24 A. Oh, we have probably 50 lenders or more.

25 We have access to a lot of lenders.

CORINA SHELTON

Page 30

1 Q. How do you have access to a lot of
2 lenders?

3 A. Well, anybody that's on the -- wholesales
4 mortgage loans, we have access to use.

5 Q. I'm sorry. Can you explain what wholesale
6 mortgage loans --

7 A. As far as Bank of America, for instance,
8 they have a wholesale department which we broker our
9 loans through their wholesale. That's what the
10 wholesale -- they have retail that they originate
11 their own in-house loans through, and then they also
12 wholesale, which the brokers use the wholesale side.
13 And all the investors are like that.

14 Q. There's a website, a wholesale --

15 A. No. There's no websites, no.

16 Q. So how do you -- how did you develop
17 relationships with these lenders?

18 A. They walk in and drop their flyers off
19 most of the time or they call you. You get ten
20 calls a day from them sometimes. So that's how you
21 establish relationships.

22 A lot of it is word of mouth. You hear
23 from other brokers. These lenders offer these great
24 programs or this one's got that. This one's got
25 that. And then you hear that and then you get sent

CORINA SHELTON

Page 33

1 Q. Do you attend both?

2 A. Yes.

3 Q. How long have you attended both?

4 A. Oh, well, in Indiana just since I've been
5 there from 2001, but the other ones, the national
6 broker conventions and events I've attended since
7 '90.

8 Q. Do you attend every year?

9 A. Yes.

10 Q. Are there any other networking events that
11 you attend?

12 A. No.

13 Q. You said before that you have
14 relationships with approximately 50 lenders?

15 A. Um-hum.

16 Q. Can you -- can you name a few of these
17 lenders, some of the larger lenders?

18 A. Yeah. Like Wells Fargo, Citibank,
19 National City, Accredited Home Lenders. I don't
20 know how many you want me to name, but --

21 Q. Just some of the larger banks.

22 A. Okay. Like Fremont Investments,
23 Countrywide, Washington Mutual.

24 Q. Are these banks that you've used since
25 Alfa Mortgage has begun?

CORINA SHELTON

Page 42

1 Q. What's your phone number here, please?

2 A. (510) 336-1977.

3 Q. Do you still have a residence in Indiana?

4 A. No.

5 Q. Prior to choosing the name Alfa Mortgage,
6 did you do a trademark search?

7 A. Yes, I did, with the State of Indiana.

8 Q. Only in the State of Indiana?

9 A. I don't know if it was a national one or
10 not. I can't remember.

11 Q. Okay.

12 A. I cannot recall.

13 Q. Who assisted you with that?

14 A. I did that on my own initially before I
15 hired Brad.

16 Q. Okay. Do you remember what it is that you
17 did?

18 A. All the paper filings is what I did.

19 Q. With the State of Indiana?

20 A. With the State of Indiana.

21 Q. And then did your lawyer help you with a
22 wider search?

23 A. I don't know if he did or not. I'd have
24 to ask. I have no idea.

25 Q. Do you know whether you or he ever did a

EXHIBIT 3

Case 2:06-cv-00962-WKW-WC Document 1 Filed 10/25/2006 Page 1 of 1



JUAN C. BASOMBRI
(949) 932-3650
FAX (949) 932-3601
basombrio.juan@dorsey.com

August 22, 2006



By Fax and U.S. Mail

Corina Shelton
President/Broker
Alfa Mortgage, Inc.
8888 Keystone Crossing, Suite 1300
Indianapolis, Indiana 46240

Dear Ms. Shelton:

As you know, I represent Alfa Corporation ("Alfa Corp.") and its related companies. Alfa Corp. is a financial services conglomerate. I was the lawyer that represented Alfa Corp. during your recent deposition in San Francisco.

Alfa Corp. is the registrant of the "ALFA CORPORATION" federal trademark, and of various other trademarks and pending trademark applications including the "Alfa" designation (such as Alfa Realty, Alfa Financial, Alfa Insurance, and others) in the financial services classes, with the United States Patent & Trademark Office. Mortgage lending is among the various financial services offered by Alfa Corp. and its related companies.

Accordingly, we believe that your company's use of the name "Alfa Mortgage, Inc." infringes upon the federal and common law rights of Alfa Corp. Alfa Corp. demands that you stop using the name Alfa Mortgage or any other name using "Alfa." Please contact me at your earliest convenience to discuss this matter. My client is willing to provide you with sufficient time to transition your company to using another name.

Very truly yours,

A handwritten signature in black ink, appearing to read "Juan C. Basombrio".

EXHIBIT 3

EXHIBIT 4



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IC 037. US 100 103 106. G & S: construction services, namely general contracting and building services in the construction industry of new homes, residential communities and commercial properties. FIRST USE: 19870501. FIRST USE IN COMMERCE: 19870501

Mark Drawing Code (1) TYPED DRAWING

Design Search Code

Serial Number 76372299

Filing Date February 20, 2002

Current Filing Basis 1A

Original Filing Basis 1A

Owner (APPLICANT) ALFA CORPORATION CORPORATION DELAWARE 2108 E. South Blvd. Montgomery ALABAMA 36198

Attorney of Record Rebecca L. Roby

Prior Registrations 2088673

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IC 037. US 100 103 106. G & S: construction services, namely general contracting and building services in the construction industry of new homes, residential communities and commercial properties. FIRST USE: 19870501. FIRST USE IN COMMERCE: 19870501

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 26.11.10 - Rectangles divided once into two sections
26.11.21 - Rectangles that are completely or partially shaded

Serial Number 76372298**Filing Date** February 20, 2002**Current Filing Basis** 1A**Original Filing Basis** 1A**Owner** (APPLICANT) ALFA CORPORATION CORPORATION DELAWARE 2108 E. South Blvd. Montgomery ALABAMA 36198**Attorney of Record** Rebecca L. Roby

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Word Mark ALFA INSURANCE
Goods and Services IC 036, US 100 101 102. G & S: property and casualty insurance underwriting. FIRST USE: 19870501. FIRST USE IN COMMERCE: 19870501
Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search 26.09.21 - Squares that are completely or partially shaded
Code 26.11.21 - Rectangles that are completely or partially shaded
Serial Number 75027294
Filing Date December 5, 1995
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition May 27, 1997
Registration Number 2088673
Registration Date August 19, 1997
Owner (REGISTRANT) ALFA CORPORATION CORPORATION DELAWARE 2108 E. South Boulevard Montgomery ALABAMA 36198
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Mark Drawing Code (1) TYPED DRAWING
Design Search Code
Serial Number 76370707
Filing Date February 14, 2002
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition October 15, 2002
Registration Number 2671861
Registration Date January 7, 2003
Owner (REGISTRANT) ALFA CORPORATION CORPORATION DELAWARE 2108 E. South Blvd. Montgomery ALABAMA 36198
Attorney of Record Paul Tauger
Prior Registrations 2088673
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Word Mark **ALFA FINANCIAL**
Goods and Services IC 036. US 100 101 102. G & S: financial services, namely, loan financing, overdraft checking, mortgage lending, home equity loans, commercial loans, automobile loans and home improvement loans. FIRST USE: 19870501. FIRST USE IN COMMERCE: 19870501

Mark Drawing Code (1) TYPED DRAWING

Design Search Code

Serial Number 76372470

Filing Date February 20, 2002

Current Filing Basis 1A

Original Filing Basis 1A

Owner (APPLICANT) ALFA CORPORATION CORPORATION DELAWARE 2108 E. South Blvd. Montgomery ALABAMA 36198

Attorney of Record Rebecca L. Roby

Prior Registrations 2088673

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Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.11.02 - Plain single line rectangles; Rectangles (single line) 26.11.13 - More than one rectangle; Rectangles (more than one) 26.11.21 - Rectangles that are completely or partially shaded
Serial Number	76372471
Filing Date	February 20, 2002
Current Filing Basis	1A
Original Filing Basis	1A
Owner	(APPLICANT) ALFA CORPORATION CORPORATION DELAWARE 2108 E. South Blvd. Montgomery ALABAMA 36198
Attorney of Record	Rebecca L. Roby
Prior Registrations	2088673
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Goods and Services	IC 036. US 100 101 102. G & S: REAL ESTATE SERVICES, NAMELY PROVISION OF COMMERCIAL AND RESIDENTIAL REAL ESTATE BROKERAGE SERVICES. FIRST USE: 19870501. FIRST USE IN COMMERCE: 19870501
Mark Drawing Code	(1) TYPED DRAWING
Design Search Code	
Serial Number	76370708
Filing Date	February 14, 2002
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	October 29, 2002
Registration Number	2677418
Registration Date	January 21, 2003
Owner	(REGISTRANT) ALFA CORPORATION CORPORATION DELAWARE 2108 E. South Blvd. Montgomery ALABAMA 36198
Attorney of Record	Paul Tauger
Prior Registrations	2088673
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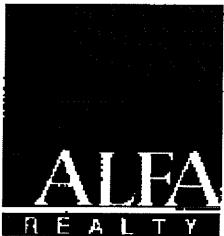
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Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.11.21 - Rectangles that are completely or partially shaded
Serial Number	76370508
Filing Date	February 14, 2002
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	October 15, 2002
Registration Number	2671857
Registration Date	January 7, 2003
Owner	(REGISTRANT) ALFA CORPORATION CORPORATION ALABAMA 2108 E. South Blvd. Montgomery ALABAMA 36198
Attorney of Record	Paul Tauger

Prior Registrations 2088673
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Mark Drawing Code	(1) TYPED DRAWING
Design Search Code	
Serial Number	76370506
Filing Date	February 14, 2002
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	December 10, 2002
Registration Number	2692690
Registration Date	March 4, 2003
Owner	(REGISTRANT) ALFA CORPORATION CORPORATION DELAWARE 2108 E. South Blvd. Montgomery ALABAMA 36198
Attorney of Record	Paul Tauger
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Goods and Services	IC 037. US 100 103 106. G & S: construction services, namely general contracting and building services in the construction industry of new homes, residential communities and commercial properties. FIRST USE: 19870501. FIRST USE IN COMMERCE: 19870501
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.11.21 - Rectangles that are completely or partially shaded
Serial Number	76370507
Filing Date	February 14, 2002
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	December 10, 2002
Registration Number	2692691
Registration Date	March 4, 2003
Owner	(REGISTRANT) ALFA CORPORATION CORPORATION DELAWARE 2108 E. South Blvd. Montgomery ALABAMA 36198
Attorney of	Paul Tauger

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